DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: lack of period at end of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding claims 14-16, the phrase "for example" or "optionally" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-5, and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finucan (US Patent # 5,731,759), and further in view of Porco (US Patent # 4,540,9880) (already of record).

Consider claim 1, Finucan teaches a personal safety device comprising casing means (12, Fig. 1), a means of illumination (20, Fig. 1) and smoke detector (34, Fig. 3) means enclosed by the casing means (12, Fig. 1) except in a first, closed configuration of the device and accessible to a surrounding atmosphere in a second, open configuration thereof.

In the same field of endeavor, Porco teaches a first, closed configuration of the device (2, Fig. 1B) and accessible to a surrounding atmosphere in a second, open configuration (2, Fig. 1A) thereof for the benefit of increasing the useful life of the sensor before cleaning or replacement become necessary.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a first, closed configuration of the device and accessible to a surrounding atmosphere in a second, open configuration thereof as shown in Porco, in Finucan device for the benefit of increasing the useful life of the sensor before cleaning or replacement become necessary.

Consider claim 2, Finucan clearly shown and disclose a personal safety device, so configured as to be manually graspable (Column 3 lines 2-4).

Consider claim 3, Finucan teaches a personal safety device, wherein the casing means comprises an elongate generally cylindrical housing means (12, Fig. 1) with the illuminating means (20, Fig. 1) mounted to a first end thereof and the smoke detector means (34, Fig. 3) mounted adjacent a second end remote from the first (Column 3 lines 32-34).

Consider claim 4, Finucan teaches a personal safety device include the smoke detector except wherein casing means extends axially outwardly from said second end of the housing means.

In the same field of endeavor, Porco teaches the casing means extends axially outwardly from said second end of the housing means (2, Fig. 1C) for the benefit of benefit of increasing the useful life of the sensor before cleaning or replacement become necessary.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include casing means extends axially outwardly from said second end of the housing means as shown in Porco, in Finucan device for the benefit of benefit of increasing the useful life of the sensor before cleaning or replacement become necessary.

Consider claim 5, Finucan teaches a personal safety device include the smoke detector, wherein casing means is movable between a stored disposition within the casing means and an operative disposition extending externally of the casing means.

In the same field of endeavor, Porco teaches casing means is movable between a stored disposition within the casing means (2, Fig. 1B) and an operative disposition extending externally of the casing means (2, Fig. 1A) for the benefit of activating and deactivating the device.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a casing means is movable between a stored disposition within the casing means and an operative disposition extending externally of the casing means as shown in Porco, in Finucan device for the benefit of activating and deactivating the device.

Consider claim 9, Finucan teaches similar invention except a personal safety device, wherein the smoke detector means comprises photodiode or phototransistor smoke detection means.

In the same field of endeavor, Porco teaches the smoke detector means comprises photodiode or phototransistor (T3, Fig. 3) smoke detection means (Column 6 lines 12-15) for the benefit of sensing the light generate from the fire flame.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the smoke detector means comprises photodiode or phototransistor smoke detection means as shown in Porco, in the Finucan device for the benefit of sensing the light generate from the fire flame.

Consider claim 10, Finucan teaches similar invention except a personal safety device, wherein the smoke detector means comprises heat detector means, adapted to detect rapid rises in temperature.

In the same field of endeavor, Porco teaches the smoke detector means comprises heat detector means (temperature sensing probe) (11, Fig. 1C), adapted to detect rapid rises in temperature (Column 3 lines 48-52) for the benefit of detecting rapid rises in temperature and trigger alarm when the temperature exceed the threshold.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the smoke detector means comprises heat detector means, adapted to detect rapid rises in temperature as shown in Porco, in the Finucan device for the benefit of detecting rapid rises in temperature and trigger alarm when the temperature exceed the threshold.

Consider claim 11, Finucan clearly shown and discloses a personal safety device, wherein the smoke detector means is provided with audible and/or visible alarm means (Column 2 lines 24-27).

Consider claim 12, Finucan clearly shown and discloses a personal safety device, wherein said visible alarm means comprises the illuminating means (flashlight will turn on) of the device (Column 2 lines 24-27).

Consider claim 13, Finucan clearly shown and discloses a personal safety device, provided with means for a user to operate the alarm means, so that the device may then also be used as a personal attack or panic alarm (Column 2 lines 11-13).

Consider claim 14, Finucan clearly shown and discloses a personal safety device, wherein the alarm means is controllably operable, for example for signaling purposes (Column 2 lines 11-13).

6. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finucan (US Patent # 5,731,759) in view of Porco (US Patent # 4,540,980) (already of record) as applied to claim 1 above, and further in view of Starchevich (US Patent # 5,001,455).

Consider claim 6, Finucan and Porco combined references teaches similar invention except a personal safety device, which is substantially waterproof in its closed configuration.

In the same field of endeavor, Starchevich teaches a personal safety device (portable signaling device), which is substantially waterproof (water-resistant) in its closed configuration (Column 2 lines 3-6) for the benefit of preventing electrical short circuit.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a personal safety device, which is substantially waterproof in its closed configuration as shown in Starchevich, in Finucan and Porco combined device for the benefit of preventing electrical short circuit.

Consider claim 7, Finucan and Porco combined references teaches similar invention except a personal safety device, provided with means to bias the device towards its open configuration, and selectably releasable catch means adapted to retain it in its closed configuration.

In the same field of endeavor, Starchevich teaches a personal safety device (portable signaling device), provided with means to bias the device towards its open configuration, and selectably releasable catch means adapted to retain it in its closed configuration (Column 2 lines 20-31) for the benefit of maintaining the desire position when the device is deactivated.

Although Starchevich does not specifically disclose the claimed releasable catch means. He does disclose inner housing slides back into the outer housing, returning the init to the closed position (Column 2 lines 29-31). Since the Starchevich disclose the mechanism to return to the closed position, it would have been obvious to one of ordinary skill in the art at time of invention to use well known catch that will retain the device in its closed configuration, which the selection of the catch are design choice for the particular application.

Consider claim 8, Finucan teaches a personal safety device, wherein the smoke detector means is provided (Column 3 lines 31-33) except control means adapted to activate it when the device is in its open configuration and to inactivate it when the device is in its closed configuration.

In the same field of endeavor, Starchevich teaches control means adapted to activate it when the device is in its open configuration (Column 2 lines 20-25) and to inactivate it when the device is in its closed (Column 2 lines 29-31) for the benefit of activating and deactivating the device based on the user preference.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include control means adapted to activate it when the device is in its open configuration and to inactivate it when the device is in its closed configuration as shown in

Starchevich, in the Finucan and Porco combined device for the benefit of activating and deactivating the device based on the user preference.

7. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finucan (US Patent # 5,731,759) in view of Porco. (US Patent # 4,540,980) as applied to claim 1 above, and further in view of Chiu (Pub # US 2005/0157492 A1).

Consider claim 15, Finucan and Porco combined reference teaches similar invention except a personal safety device, wherein the illuminating means emits white light, wherein comprising one or more white light emitting diodes (LEDs).

In the same field of endeavor, Chiu teaches the illuminating means emits white light, wherein comprising one or more white light emitting diodes (LEDs) [00021] for the benefit of providing bright visible light.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the illuminating means emits white light, wherein comprising one or more white light emitting diodes (LEDs) as shown in Chiu, in Finucan and Porco combined device for the benefit of providing the bright visible light.

Consider claim 16, Finucan and Porco combined reference teaches similar invention except a personal safety device, wherein the illuminating means emits colored light, such as red light, wherein comprising an LED of a desired colour.

In the same field of endeavor, Chiu teaches the illuminating means emits colored light, such as red light, wherein comprising an LED of a desired colour [00021] for the benefit of providing the specific color which is most preferable for particular application.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include wherein the illuminating means emits colored light, for example red light, optionally comprising an LED of a desired colour as shown in Chiu, in Finucan and Porco combined device for the benefit of providing the specific color which is most preferable for particular application.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Haut et al. (US Patent # 5,469,346) "Time settable flashing light).

b. Hsu (Pub # US 2004/0190288 A1) "Multi-purpose flashlight".

c. Mariol (US Patent # 4,449,474) "Personal security device".

d. Mondejar et al. (US Patent # 6,154,130) "Portable room security system".

e. Waddell (US Patent # 6,690,288 B1) "Portable emergency response system".

f. Gappelberg (US Patent # 5,642,931) "Taxi wand".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACK WANG whose telephone number is (571)272-1938. The examiner can normally be reached on M-F 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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